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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,688	07/27/2005	Jens David	A36475 PCT USA (066340.02)	7649
21003	7590	09/06/2006	EXAMINER DU, THUAN N	
BAKER & BOTTS 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112			ART UNIT 2116	PAPER NUMBER

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/525,688

Applicant(s)

DAVID ET AL.

Examiner

Thuan N. Du

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/22/05, 5/31/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-10 are presented for examination.

#### ***Drawings***

2. The drawings are objected to because all blocks in figures 1 and 2 are not labeled with descriptive legend as required by 37 CFR 1.84(o). Correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission of prior art [AAPA] and Branstad, U.S. Patent No. 6,519,716.
5. Regarding claim 1, AAPA teaches a method for initializing a programmable system that is characterized in that information required for initializing registers and internal and/or external modules is stored in and read from external memory, the method particularly designed for application in programmable system-on-chip ASIC elements [application's specification, paragraph 0003], the method comprising the steps of:  
  
after turn-on or other event triggering a fresh start,

transferring initialization information from an external or internal non-volatile storage medium (14) to an internal memory (11) under the control of a program in an instruction memory (9), wherein the initialization information includes initialization data [Fig. 1; application's specification, paragraphs 0009-1010];

initializing the registers and modules under the control of at least one processor element (8) of the programmable system [Fig. 1; application's specification, paragraphs 0009-1010].

AAPA does not explicitly teach that the initialization information includes initialization program which controls the processor element to perform the initialization.

Branstad teaches a method for configuring a device by transferring initialization program, which controls the processor element to perform the initialization, from a non-volatile storage medium to an internal memory [col. 5, lines 19-24].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of AAPA and Branstad because they both teach method for initializing a peripheral device.

6. Regarding claims 4-6, one of ordinary skill in the art would have recognized that the initialization data is obviously altered and calculated by the processor element in order for initializing the device using the stored initialization data.

7. Regarding claims 7-10, these claims are directed to method steps for initializing a programmable system of claim 1. As stated above, AAPA and Branstad teach the invention substantially as set forth in claim 1. At the time of the invention, one of ordinary skill in the art would have readily recognized that AAPA and Branstad may obviously also teach the method

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steps of claim 1 as set forth in claims 7-10. As such, claims 7-10 are rejected under the same rationale with respect to claims 1.

8. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission of prior art [AAPA], Branstad, U.S. Patent No. 6,519,716 and Klein, U.S. Pub. No. 2001/0052067.

9. Regarding claims 2 and 3, both AAPA and Branstad do not explicitly teach the error checking of the initialization program. Klein teaches the validity of the initialization program [p. 2, paragraphs 0009-0010]. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of AAPA-Branstad and Klein because it would increase the reliability of the system.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

TD  
August 28, 2006

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a long horizontal flourish extending to the right.

**THUAN N. DU**  
**PRIMARY EXAMINER**